



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,646	02/25/2002	Thomas Jaworek	219029US0PCT	7478

22850 7590 08/13/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MCCLENDON, SANZA L

ART UNIT	PAPER NUMBER
----------	--------------

1711

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,646

Applicant(s)

JAWOREK ET AL.

Examiner

Sanza L McClendon

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art. Unit: 1711

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Masakazu et al (JP 63214375).

Masakazu et al teaches methods of making anticorrosive ultraviolet cured resin coatings for metallic bases. Said method comprises irradiating resin compositions using ultraviolet radiation in an inert gas atmosphere containing less than 0.5 vol% O₂. This anticipates claim 1, wherein 0.5 vol% O₂ is approximately 5000 ppm O₂. Said resin compositions comprise (meth) acrylate resins, such as polyurethane (meth) acrylate s, polyester (meth) acrylates, and epoxy (meth) acrylate. These anticipate claims 4-5. In addition, Masakazu et al teaches using monomers and photoinitiators in said resin compositions, such as trimethylolpropane acrylate and styrene methacrylate and benzion and other initiators. These appear to anticipate claims 6-7.

Art. Unit: 1711

4. Claims 1 and 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hahn et al (4,170,663).

The examiner is interpreting claim 1 in its broadest form, that is a method comprising the steps outlined in claim 1 which is open to other method steps because of the comprising language.

Hahn et al teaches methods for producing coatings of low gloss. Hahn et al teaches said low gloss coatings are hard, mar resistant, and abrasion resistant coatings that are prepared by exposing a coating composition containing an oxygen inhibitable, radiation-curable, organic material and an ultraviolet light absorbing pigment to radiation in three stages. The second stage involves exposing the partially cured coating from stage 1 to ultraviolet radiation in an atmosphere free of a cure-inhibiting amount of oxygen, wherein Hahn et al teaches that curing atmosphere typically contains a concentration in oxygen in the range from 300 to 5000 ppm by volume not to be cure-inhibiting. Said coating composition comprises ethylenically unsaturated organic compounds, such as polyester acrylates (column 4), polyacrylates (column 6), polyimide acrylates (column 8) epoxy acrylates (column 8), urea acrylates (column 8), and polyurethane acrylates (column 8). These anticipate claim 4-5. Wherein said polymers should have a number average molecular weight in the range from 1500 to 50,000 (column 7). This anticipates claim 3. In addition said coating composition can contain vinyl monomers for crosslinking, such as acrylate and methacrylate monomers (column 9), wherein Hahn et al teaches that said vinyl monomer are preferably liquid compounds miscible with the first component. This anticipates claims 6-7. The examiner contends that the second method stage taught by Hahn et al anticipates the method of claims 1 and 9. Hahn et al teaches that various substrates can be coated by said three-stage method—see column 11, lines 46-57, wherein substrates like wood, fiberboard, and particleboard anticipate claim 8.

Art Unit: 1711

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn et al (4,170,663).

Hahn et al is described in the above rejection. Hahn et al does not expressly teach the double bond content for the polymers/oligomers usable in said method. However, Hahn et al teaches that said organic materials usable in said method contain a plurality of sites of ethylenic unsaturation, which under the influence of radiation become crosslinking sites through addition reactions to form hard thermoset polymers. Therefore, the examiner contends that said polymer/oligomers taught by Hahn et al have to have at minimum a double bond content of at least 0.01 to 1 mol/100 grams in order to be influenced by radiation to produce the crosslinking sites for formation of hard thermoset coating compositions.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L McClendon whose telephone number is (703) 305-0505. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned

Application/Control Number: 10/049,646

Page 5

Art Unit: 1711

are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0657.

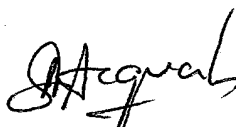
Sanza L McClendon

Examiner

Art Unit 1711

SMc

August 11, 2003


SAMUEL A. ACQUAH
PRIMARY EXAMINER
GROUP ~~1200~~ 1700